



APR REC'D FCT/PTO APR 2005

#5

**In re application of:**

Ian Alexander Shiels § Confirmation Number: 1391  
Stephen Maxwell Taylor §  
(AS AMENDED) §

Application Number: 10/531,565  
International Application Number:  
PCT/AU03/01374

I.A. Filing Date: 16 October 2003

For: TREATMENT OF  
HYPERSENSITIVITY CONDITIONS § Attorney Docket No: 36677.34

Mail Stop PCT  
Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

<p>Certificate of Mailing 37 C. F. R. § 1.8</p> <p>I hereby certify that this correspondence is being deposited with the U. S. Postal Service with sufficient postage as First Class Mail on the date indicated below and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p>
<p><u>4/12/06</u></p> <hr/> <p>Date of Deposit</p> <p><u>Mark</u></p> <hr/> <p>Name of person mailing paper and fee</p> <p><u>Markus</u></p> <hr/> <p>Signature of person mailing paper and fee</p>

## **RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Sir:

In response to the Notification of Missing Requirements mailed September 12, 2005, I have enclosed the following:

1. Petition to Delete Inventor David Fairlie Under 1.497(D) (2 sheets);  
2. Statement of Inventor Under 37 C.F.R. 1.497(d)(1) I (2 sheets);  
3. Consent of Assignee for Deletion of Inventor David Fairlie (1 sheet);  
4. Copy of 92bis in support of Deletion of Inventor David Fairlie (1 sheet);  
5. Executed Declaration of Inventorship by Inventors Shiels and Taylor in  
compliance with 37 CFR 1.497(a)-(b) and 37 CFR 1.68 (2 sheets);  
6. Response to Missing Requirements Regarding the “Sequence Listing” (1 sheet);  
7. Petition for Extension of Time of five months to and including April 1, 2006  
(1 sheet);

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APR 1 2006

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8 MAY 2006  
Legal Staff  
International Division

Application Number: 10/531,565  
International Application Number: PCT/AU03/01374

8. A Fee Transmittal (1 sheet);
9. A Return copy of Notification of Missing Requirements (3 sheets);
10. A Return self-addressed stamped postcard; and
11. This Transmittal (2 sheets).

( Applicants note that a "Sequence Listing" has been requested, however, it is our understanding that a sequence listing is not appropriate for this application. Therefore, a sequence listing nor statements of conformity are enclosed. )

The Commissioner is hereby authorized to charge any further fees associated with this communication, or to credit any overpayment, to Deposit Account of Haynes and Boone, LLP Number 08-1394.

Respectfully submitted,



Mark D. Moore, Ph.D.  
Registration No. 42,903

Date: 4/12/06  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 713-547-2040  
Facsimile: 214-200-0853

Reg'd PCTAPTO 17 APR 2006

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U P R 1995

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1300.00)

## Complete if Known

Application Number	10/531,565
Filing Date	16 October 2003 (I.A. Filing Date)
First Named Inventor	Ian Alexander Shiels
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	36677.34

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 08-1394 Deposit Account Name: Haynes and Boone, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	FILING FEES		SEARCH FEES		EXAMINATION FEES		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>
------------------------------	-----------------

50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

200 100

Multiple dependent claims

360 180

#### Total Claims

#### Extra Claims

#### Fee (\$)

#### Fee Paid (\$)

#### Multiple Dependent Claims

#### Fee (\$)

#### Fee Paid (\$)

- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20

04/21/2006 GFREY1 00000121 10531565

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3

04 FC:1255 1080.00 DA

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

- 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition Fee Under 1.17(i), Extension of time - 5 months, Surcharge

Fees Paid (\$)

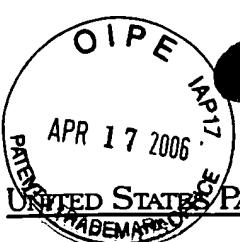
1300

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	Telephone
Name (Print/Type)	Mark D. Moore		Date 4/12/06

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/531,565	Ian Alexander Shiels	36677.34

27683  
HAYNES AND BOONE, LLP  
901 MAIN STREET, SUITE 3100  
DALLAS, TX 75202

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SEP 15 2005

HAYNES and BOONE

**COPY**

INTERNATIONAL APPLICATION NO.

PCT/AU03/01374

I.A. FILING DATE

10/16/2003

PRIORITY DATE

10/17/2002

CONFIRMATION NO. 1391

371 FORMALITIES LETTER



\*OC000000016990128\*

Date Mailed: 09/12/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/14/2005
- Copy of the International Search Report filed on 04/14/2005
- Copy of IPE Report filed on 04/14/2005
- Copy of Annexes to the IPER filed on 04/14/2005
- Oath or Declaration filed on 08/11/2005
- Small Entity Statement filed on 04/14/2005
- U.S. Basic National Fees filed on 04/14/2005
- Substitute Specification filed on 04/14/2005
- Priority Documents filed on 04/14/2005
- Power of Attorney filed on 08/11/2005
- Specification filed on 04/14/2005
- Claims filed on 04/14/2005
- Abstracts filed on 04/14/2005

04/21/2006 GFREY1 00000121 081394 10531565

01 FC:2617 65.00 DA  
02 FC:2615 25.00 DA

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$25 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application

**DOCKETING COMPLETE**

DATE: 9.15.05

BY: caf

by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- There are three inventor listed on publish application, you only listed two of the three inventors, where is the third inventor.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$90** for a Small Entity:

##### • **\$65 Surcharge.**

**COPY**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- Total additional claim fee(s) for this application is **\$ 25**
  - **\$25 for 6 total claims over 20.**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)